

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENISE Y. TSIBOURIS,

Plaintiff,

vs.

COLERAIN TOWNSHIP, *et al.*,

Defendants.

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: Case No. 1:22-cv-458
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: Judge Jeffery P. Hopkins
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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation issued by Magistrate Judge Karen L. Litkovitz on October 31, 2023. Doc. 20. The Magistrate Judge recommends that this Court deny Plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Doc. 18) pursuant to 28 U.S.C. § 1915(a)(3). The Court has reviewed Plaintiff's motion and the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** the Report and Recommendation in its entirety.

Accordingly, the Court **DENIES** Plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Doc. 18). Further, the Court **ADVISES** Plaintiff that, pursuant to Fed. R. App. P. 24(a)(4), she may file, within thirty (30) days after service of this Order, a motion with the Sixth Circuit Court of Appeals for leave to proceed in forma pauperis on appeal. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), *overruling in part Floyd v. United States Postal Service*, 105 F.3d 274 (6th Cir. 1997). If she elects to do so, the motion must include a

copy of the affidavit filed in the District Court and the District Court's statement of the reasons for denying pauper status on appeal. *Id.*; *see* Fed. R. App. P. 24(a)(5).

The Court further **NOTIFIES** Plaintiff that, if she does not either (1) file a motion within thirty (30) days of receiving notice of this decision as required by Fed. R. App. P. 24(a)(5), or (2) pay the required filing fee of \$505.00 within this same time period, the appeal will be dismissed for want of prosecution. *Callihan*, 178 F.3d at 804. If the appeal is dismissed for want of prosecution, the appeal will not be reinstated, even if the filing fee or motion for pauper status is subsequently tendered, unless Plaintiff can demonstrate that she did not receive notice of the District Court's decision within the time period prescribed for by Fed. R. App. P. 24(a)(5). *Id.*

IT IS SO ORDERED.

Dated: December 27, 2023



Hon. Jeffery P. Hopkins
United States District Judge